

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

To: City Plan Commission
From: Beth Ashman, AICP | Assistant Planning Director
Date: September 27, 2024
RE: Replat: 40 Meredith Drive – Assessors Plat 11-5, Lot 2934
Application for Dimensional Variance

Owner / Applicant: Mark D. Capuano
Location: 40 Meredith Drive
Zoning: A-8 – Single-family dwellings (8,000 sq. ft.)
FLUM Designation: Single Family Residential 7.26 to 3.64 Unit Per Acre

I. Applicant | Property | Proposal

The subject property is in the Dean Estates/Budlong neighborhood, abutting Meredith Dr and Sagamore Rd, identified as Assessors Plat 11-5, Lot 2934.

The Proposal is to reconfigure the existing one (1) record lot into two (2) new lots for the existing residential dwelling on Parcel 1 and a new residential dwelling on Parcel 2.

- Parcel 1: 8,137 sq. ft. (Existing home)
- Parcel 2: 6,290 sq. ft. (Site for future home)

Required relief includes relief from dimensional requirements for a replat and residential development project in a A-8 zone (17.20.120 – Schedule of Intensity Regulations, 17.92.010 – Variances). Parcel 2 would need relief from the lot size requirement. Parcel 1 with the existing home would need relief for the rear setback. At closest approach, the corner of the existing house will lie 14.5 feet from the proposed property line.

Relief from 17.20.120 - Schedule of intensity regulations:

	Land Area sq ft	Frontage (ft)	Front Setback (ft)	Rear Setback (ft)	Side Setback (ft)	Max Coverage
Required A8	8000	80	25	20	10	30%
Existing Lot	14427	80	26.1	89.5	9.7	17%
Proposed P1	8137	80	26.1	14.5	9.7	28%
Proposed P2	6290	80	25	20	10	30%

II. Documents Submitted for This Application

1. Minor Subdivision – Preliminary Plan entitled “**Sagamore Gardens**” prepared by Walter P. Skorupski, Registered Professional Land Surveyor; dated June 24, 2024, 2024.
2. Minor Subdivision – Preliminary Plan Application, signed by Owner/Applicant Michael D

Capuano; dated July 18, 2024.

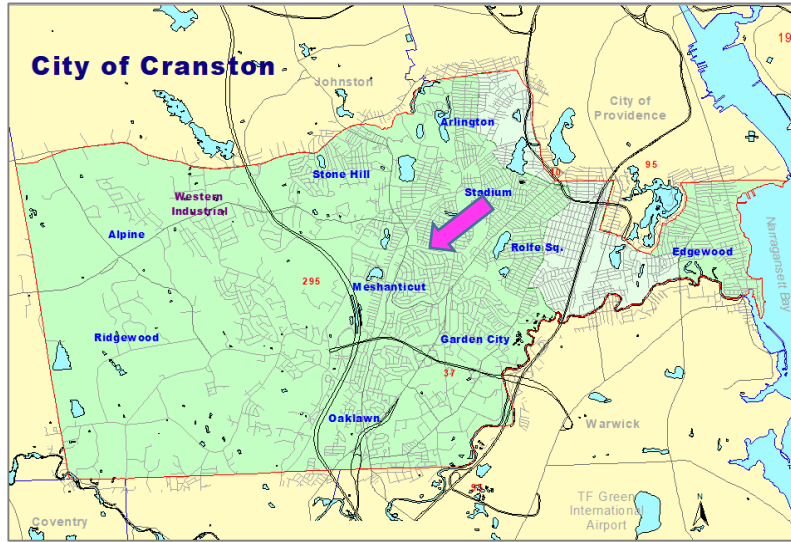
- a. Pre-Application Fee of \$120.00 and Application Fee for \$335.00; both dated August 8, 2024
3. Minor Subdivision – Preliminary Plan Checklist, prepared by Robert D. Murray, Esq., of Taft & McSally LLP; undated, received by Planning Department August 9, 2024.
4. "0 Sagamore Road" Project Narrative discussing hardships, prepared by Robert D. Murray, Esq., of Taft & McSally LLP.
5. Abutter Documentation
 - a. 400' Abutters List
 - b. 400' Abutters Map
 - c. Signed affidavit certifying mailing of 400' abutter notices; sent on September 18, 2024; signed by Robert D Murray; dated September 23, 2024
6. Water Service Availability Certification, signed by John C. Arruda Jr, Civil Engineer – Underground Asset Manager of Veolia Water; dated August 23, 2024.
7. Sewer Availability Letter, signed by Edward Tally, Environmental Program Manager, City of Cranston; dated September 16, 2014.

III. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

1. The subject property is located on the southerly side of Sagamore Road and northerly side of Meredith Drive.
2. The surrounding area in the Dean Estates neighborhood is A-8 land, with A-6 to the north in the Woodridge neighborhood. Development in the area consists of single-family homes.
3. The subject property is outside of any regulated resource areas under jurisdiction of the Rhode Island Department of Environmental Management, (RIDEM).
4. The subject property is outside of any identified historic / cultural districts under jurisdiction of the Local Historic District Commission, State Historical Preservation Commission, State, or National Registers of Historic Places.
5. The subject property is identified as "Zone X – Area of Minimal Flood Hazard" on FEMA Flood Map Panel 44007C0314H, and outside of any regulated floodplain or flood hazard districts, effective October 2, 2015.

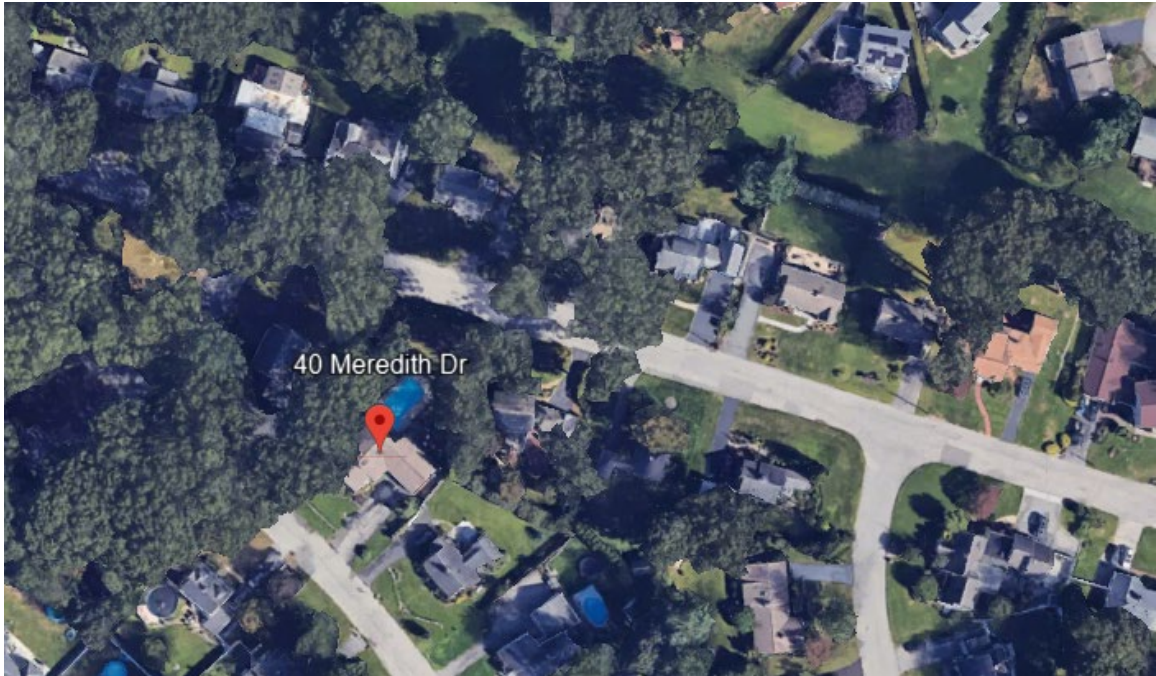
LOCATION MAP



NEIGHBORHOOD CONTEXT MAP HIGHLIGHTING PARCELS WITHIN 400 FT



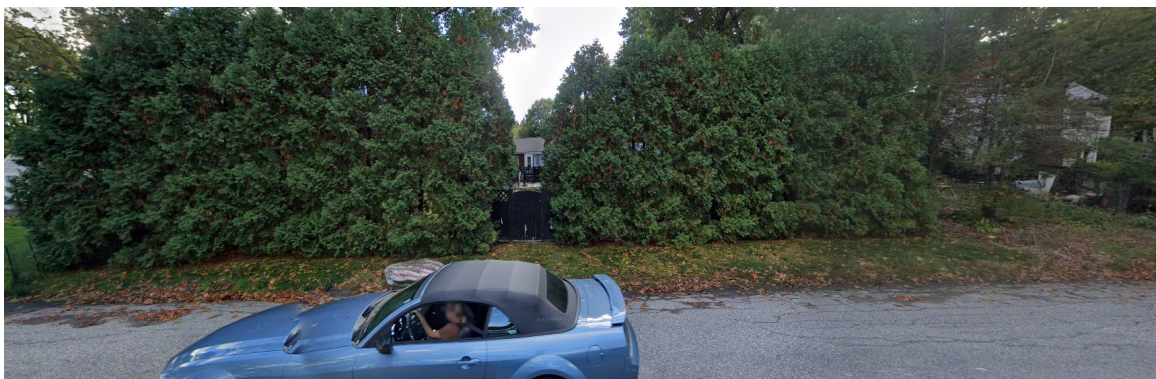
AERIAL PHOTO



STREET VIEW



(View south from Meredith Dr)



(View south from Sagamore Dr)

PROPOSAL

Existing house, garage, patio, pool and shed are shown in the plan below. The proposed Parcel 2 is also shown with the building envelope. The shed and pool extend into the proposed Parcel 2 and would be removed.



IV. Municipal Review

Pursuant to RIGL §45-23-37, these Plans and submitted documents were distributed for comment to the following agencies. Responses are as follows:

1. Department of Public Works

- a. Engineering Division: Mr. Justin Mateus, P.E., Public Works Director, has submitted no comments at this time.
- b. Traffic Safety Division: Mr. Steven Mulcahy, has provided no comments at this time
- c. Sewer Division: Mr. Edward Tally, Environmental Program Manager noted that sewer is available to be connected to an existing gravity sewer main within Sagamore Road. If a new sewer lateral is required a “New Lateral Tie-In Connection” form will need to be completed with Veolia Water in addition to all other applicable permits.
- d. Veolia Water: indicated that water is available, no water main extension is required and the service connection is required. No easement is needed.

2. Department of Building Inspection & Zoning Enforcement

- a. Mr. Stan Pikul, Alt. Building Official, has provided no comments at this time.
- b. Fire Department: Mr. James Woyciechowski, Fire Marshal indicated no concerns with the project (email dated 8/23/2024)

V. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as “*Single Family Residential 7.26 to 3.64 Unit Per Acre.*”
 - Per the Comprehensive Plan, the A-8 zoning district is an appropriate zoning classification for single-family residential development.
 - The existing parcel at 40 Meredith Drive is the largest within a 400 ft radius and is below the density range established by the Future Land Use Map. With the subdivision of the lot and the construction of one new dwelling unit, the 2 units on 0.331 acres will fall the density range shown in the Future Land Use Map.
 - Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development which Staff find support the approval of this Application, specifically:
 - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
 - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
 - Housing Policy 4.2 Identify potential sites for redevelopment options for future residential use, and mixed use.
 - Housing Policy 5.2: Review zoning for existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.

- The pre-existing single-family dwelling that exists at 40 Meredith Avenue has frontage on two streets: Meredith Avenue and Sagamore Drive, which enables this subdivision.
- The surrounding area in the Dean Estates/ Budlong neighborhood is A-8 land with A-6 to the north in the Woodbridge neighborhood. Development in the area consists of single-family residences.
- All lots in the neighborhood within 400 ft of the proposed subdivision exceed the required minimum 8000 square feet for the A-8 district. 50 of the 55 lots cover 10,000 square feet or more. The next smallest lot in the 400 ft radius is 9228 sq ft.
- The Proposal is a reconfiguration of an existing record lot.
- Off-site traffic impacts are negligible.
- The proposed use (single-family residential) is consistent with the Comprehensive Plan.
- The resulting new lot will be 79% of the 8000 square feet required, but falls within the density indicated in the Future Land Use Map.
- While the new home on the proposed Parcel 2 can conform to dimensional standards except lot size, the existing home on the proposed Parcel 1 will have less than the required 20-foot rear setback at the locations of the corners of the dwelling.
- The street-facing dimensions, the frontage and front setbacks, will entirely conform to the neighborhood. The small lot and reduced rear setback will primarily impact the applicant's property.
- The Dean Estates neighborhood is characterized by substantial tree cover. One impact of small size lot might be the removal of trees that benefit the neighborhood.
- The side setback on the southeastern side of the existing home at 40 Meredith measures 9.7 ft, slightly less than the required 10 ft setback. This is a pre-existing non-conformance that is not altered by the proposal.

VI. Interests of Others

None to Report.

VII. Additional Matters

Municipal tax payments are current as certified by the Tax Collection's Office 6/14/2024.

VIII. Waivers

None Requested.

IX. Findings of Fact:

An orderly, thorough, and expeditious staff review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail and the meeting agenda has been properly posted.

A. Unified Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL §§ 45-23-50.1(b)(1), 45-24-41(d), 45-24-41(e)(2), and 45-24-46.4(f), as well as Section VII of the Subdivision & Land Development Regulations and finds as follows:

The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;

*The hardship is not the result of any prior action of the applicant and;
The granting of the requested variance will not alter the general character of the surrounding*

area or impair the intent or purpose of the zoning ordinance codified in this title or the comprehensive plan upon which the ordinance is based.

That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is minimal to the reasonable enjoyment of the permitted use to which the proposed property is devoted.

Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 and finds as follows:

RIGL § 45-24-41. General provisions – variances. (d)(1) states, “That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16).”

- Staff notes that measuring 14,237 square feet, there is no way to split this parcel into two parcels with 8000 square feet. There are no other non-corner lots like this one with frontage on two streets in the neighborhood. The lot has a unique angled shape lying between non-parallel roads.

RIGL § 45-24-41. General provisions – variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant.”

- The property has been owned by the Capuano family since 2003. There do not appear to be any prior actions by the current applicant that would have resulted in hardship.

RIGL § 45-24-41. General provisions – variances. (d)(3) states, “That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

- The Application is directly consistent with the Future Land Use Map designation as the proposed use falls within the Future Land Use Map density designation as “*Single Family Residential 7.26 To 3.64 Unit Per Acre.*”
- Per the Future Land Use Map, the “as “*Single Family Residential*” district is an appropriate zoning classification for single-family residential development.

RIGL § 45-24-41. General provisions – variances. (e)(2) states, “In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.”

- Staff notes that there is no avenue to construct this type of permitted development on the subject property without dimensional relief due to the placement of the existing house, the shape and size of the subject property.

B. Subdivision & Land Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-23-60 as well as the Subdivision & Land Development Regulations and finds as follows:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

- The Proposal is generally consistent with the Comprehensive Plan’s Future Land Use Map (FLUM). The proposed resulting density of approximately 6.04 units per acre is within the FLUM’s designation of the subject property as “*Single Family Residential 7.26 To 3.64 Unit Per Acre.*”

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”

- Staff notes that this Proposal requires and will seek dimensional zoning relief, (lot size on Parcel 2; rear setback on Parcel 1) which if granted, will establish compliance with the Zoning Ordinance.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the preliminary plan, with all required conditions for approval.”

- No significant environmental impacts are anticipated.
- The Proposal will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
- RIDEM’s Natural Heritage Map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

- The Proposal will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
- The design and location of building lots, utilities, drainage, and other improvements will conform to local regulations for mitigation of flooding and soil erosion.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

- The proposed Parcel 2 will have adequate permanent physical access to Sagamore Road, an improved public city street.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

X. Recommendation – Land Development Project

Staff finds this Proposal generally consistent with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section III(L) of the

Subdivision & Land Development Regulations.

Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Minor Land Development Project – Preliminary Plan submittal subject to the conditions denoted below.

XI. Recommended Conditions of Approval

The Final Plan submittal shall be subject to the following:

1. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
2. As the Dean Estates Neighborhood is characterized by substantial tree cover, the proposed development will preserve or replant at least one substantial tree on each parcel.
3. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$593.46.

Respectfully Submitted,

Beth Ashman

Beth Ashman, AICP
Assistant Planning Director / Administrative Officer

Cc: City Planning Director
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